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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,018	07/31/2003	Kevin McPartlan	NUASI-00106	4722
29053 7590 07/03/2007 FULBRIGHT & JAWORSKI L.L.P 2200 ROSS AVENUE SUITE 2800 DALLAS, TX 75201-2784			EXAMINER WINDER, PATRICE L	
			ART UNIT 2145	PAPER NUMBER
			MAIL DATE 07/03/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/633,018	<b>Applicant(s)</b> MCPARTLAN ET AL.	
	<b>Examiner</b> Patrice Winder	<b>Art Unit</b> 2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____  |

Continuation of Attachment(s) 3. Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :1-26-2007; 12-28-2006; 9-15-2006; 6-15-2006; 5-22-2006; 2-21-2006; 1-30-2006; 11-7-2005; 10-31-2005; 7-25-2005; 7-11-2005; 1-18-2005; 11-8-2004; 9-7-2004; 9-7-2004; 6-29-2004; 6-17-2004; 5-12-2004; 5-12-2004; 3-22-2004; 3-5-2004; 11-24-2003; 10-23-2003; 9-29-2003.

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: Applicant lists several applications as being related to the present application in the section titled "Related Application(s)". However, several of the applications listed are missing application number information or status information.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 10, 22 and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Initially, Applicant claims that the escalation criteria are predetermined escalation criteria, which provides that the criteria are predefined prior to operation. Later, Applicant further defines the escalation criteria are variable and change during a responding step. Having escalation criteria which are predefined and variable is a contradiction and thus renders the claims indefinite.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 5-15, 17-27, 29-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al., USPN 6,763,333 B2 (hereafter referred to as Jones) in view of Pickering et al., USPN 6,493,695 B1 (hereafter referred to as Pickering).

Regarding claim 1, 13, 25, Jones taught a method of escalating non-real-time communications in a contact center (abstract), the method comprising:

- a. extracting an aged communication from a plurality of shared file folders, wherein the plurality of shared file folders are configured in a central processing area of the contact center (column 6, lines 41-53), and further wherein a communication is designated as aged based on a set of predetermined escalation criteria (column 11, lines 42-48);
- b. routing the aged communication with an escalation service to an immediate workflow such that the aged communication is routed by an immediate workflow for immediate response to a first designated agent (column 11, lines 39-41);
- c. presenting the aged communication to the first designated agent such that the communication is displayed on a desktop of the first designated agent (column 12, lines 9-16; column 15, lines 19-22). Jones does not specifically teach the first designated

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agent answers the aged communication on the desktop. However, Pickering taught responding to the aged communication, wherein the first designated agent answers the aged communication on the desktop, wherein the escalation service escalates an immediate communication to the immediate workflow for routing to the first designated agent (column 10, lines 47-53). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Pickering's responding to the escalated aged communication in Jones' system for escalating aged communications would have improved communication handling. The motivation would have been to provide a homogeneous manner to handle communications including integrating newly assigned tasks in the workflow.

6. Regarding dependent claims 2, 14, 26, Jones taught the desktop includes a visual indicator, further wherein the visual indicator includes an expiration time for the aged communication in the plurality of shared file folders (content of X Windows display includes ticket duration field, column 12, lines 2-6).

7. Regarding dependent claims 3, 15, 27, Jones taught the communication is designated as immediate based on the set of predetermined escalation criteria before the communication becomes aged (column 11, lines 30-31; column 14, lines 7-10).

8. Regarding dependent claims 5, 17, 29, Jones taught monitoring the aged communication displayed on the first designated agent's desktop, wherein when the first designated agent does not answer the aged communication, the immediate workflow routes the aged communication to a second designated agent (increased to higher level of management, column 11, lines 42-48).

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9. Regarding dependent claims 6, 18, 30, Pickering taught sending an acknowledgement message when the first and second designated agents are unavailable (agent characteristics includes availability, column 8, lines 2-6; column 9, lines 55-60).
10. Regarding dependent claims 7, 19, 31, Jones taught prompting the first designated agent when the step of responding does not occur within the predetermined timeout period after the step of presenting (timeout period = end, column 9, lines 53-57; column 11, lines 46-48; column 14, lines 8-10).
11. Regarding dependent claims 8, 20, 32, Jones taught the aged communication is routed to the second designated agent after the prompting step is unanswered by the first designated agent (unanswered = unresolved, column 11, lines 65-67; column 12, lines 1-6).
12. Regarding dependent claims 9, 21, 33, Jones taught the aged communication is routed to the second designated agent after the first designated agent answers the prompting step by declining to respond to the aged communication (declining to respond = leaving unresolved, column 11, lines 46-48).
13. Regarding dependent claims 10, 22, 34, Pickering taught the set of predetermined escalation criteria are variable such that the set of predetermined escalation criteria will change during the responding step (column 9, lines 60-63).
14. Regarding dependent claims 11, 23, 35, Jones taught the first and second designated agents may select non-real-time communications from the plurality of shared file folders that are not designated as aged (column 6, lines 46-49), and further

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wherein the first and second designated agents respond to those non-real-time communications not designated as aged (column 6, lines 46-49).

15. Regarding dependent claims 12, 24, 36, Jones taught an agent is designated based on a set of predetermined designation criteria (column 11, lines 39-41; column 14, lines 15-17, 29-31).

16. Regarding claim 37, Jones taught an apparatus for escalating non-real-time communications in a contact center (alerting system, abstract), comprising:

- a. a storage media for storing a computer application (column 6, lines 7-14);
- b. a processing unit coupled to the storage media (column 6, lines 7-14); and
- c. a user interface coupled to the processing unit such that a plurality of users can receive an aged communication from an immediate workflow through an escalation service (column 6, lines 35-53), and further wherein the immediate workflow can receive an immediate communication from the escalation service for routing to the plurality of users (column 11, lines 42-48; column 12, lines 19-28; column 14, lines 27-43). Jones does not specifically teach the plurality of users can provide an immediate response to the aged communication (column 10, lines 47-53). For motivation for combination see claim 1, above.

***Allowable Subject Matter***

17. Claims 4, 16, 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.



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18. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to teach or suggest the escalation service checks a present threshold for a maximum number of immediate workflows and delays escalating the communications designated as immediate until the number of immediate workflows is below the threshold.

### ***Conclusion***

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Vaughn et al., USPN 6,353,446 B1: taught a browser based console interface that integrates a help desk ticket reporting interface and network management applications used to resolve tickets;

Turnbull et al., USPN 6,389,426 B1: taught a system for centrally storing trouble ticket data and a graphical interface to retrieve trouble ticket data and generate reports;

Faour et al., USPN 7,086,062 B1: taught a system for handling work items, i.e. trouble tickets, wherein actions performed by people or automated processes modify the state of the work item and the work item remain queued until the state changes to completed; and

Tidwell et al., USPN 7,225,139 B1: taught a system that integrates an interface and a paging system. The interface is operable to enter trouble ticket information including (a) the person responsible for resolving the ticket and (b) the severity of the

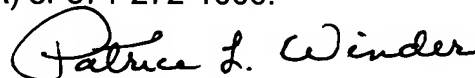
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ticket. The paging system notifies the person responsible when the severity is above a threshold.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrice Winder whose telephone number is 571-272-3935. The examiner can normally be reached on Monday-Friday, 10:30 am-7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Patrice Winder  
Primary Examiner  
Art Unit 2145

June 23, 2007